

Road, and that he has used it for hunting, recreation, horseback riding, walking and to provide access to his father-in-law's properties by wagon, as well as by motor vehicles, and that the said way is the only access to the properties of his father-in-law.

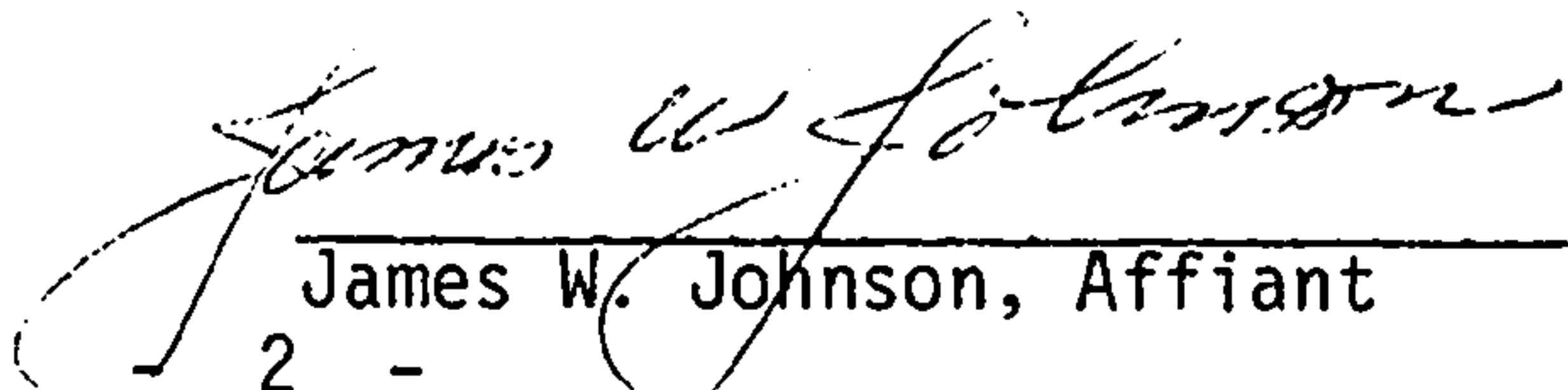
SIXTH: That at no time has he obtained permission or even sought to obtain permission from any person to use the said way.

SEVENTH: That at no time has he had his use of the way interrupted until approximately May or June of 1979 but that said interference did not completely prevent him from traversing from Putman Road over the way to the properties of his father-in-law until barrels were lodged in the bed of the way in approximately November of 1979, which barrels prevent him from taking any kind of motor vehicle or wagon to the properties of his father-in-law for the purpose of hauling cut logs back to Putman Road; and that he uses the cut logs as a source of heating for his personal residence as well as aiding his father-in-law in securing the cut logs for use in his father-in-law's personal residence.

EIGHTH: That the road has been used by people as a way to properties in the mountains from Putman Road for a period in excess of twenty (20) years.

NINTH: That the Respondent, Coleman J. Lidie, III, has buried barrels in the bed of the road of the way and that he has, in addition thereto, broken glass in the way, thrown chains in the way, thrown rocks of a substantial size in the way, which said chains, rocks, glass, and barrels obstruct the way, preventing his use by wagon or vehicle to remove cut logs from the properties of his father-in-law, as well as preventing the purposes previously used by the way except for walking, whereby he must walk around the barrels, off of the way, in order to continue walking on to his father-in-law's properties.

TENTH: That the Respondent, Coleman J. Lidie, III, charged his father-in-law with the crime of trespassing for using the way in the summer of 1979, which charge was subsequently nolle prosequi.

  
James W. Johnson, Affiant